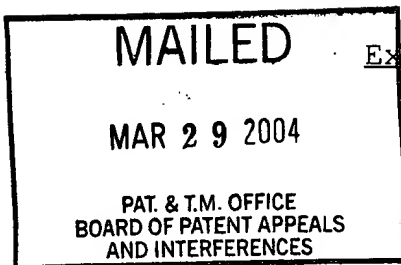


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte THOMAS A. BAUDENDISTEL et al.

Application No. 09/915,631

ORDER RETURNING TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 16, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On June 3, 2003, appellants submitted an Appeal Brief (Paper No. 7) by facsimile transmission and requested that any fees which may be required be charged to Deposit Account

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No. 50-0831 (DELPHI TECHNOLOGIES, INC). On June 6, 2003, the Patent and Trademark Office charged \$160 to this account. However, it is noted that 37 CFR § 1.17(f) (2002) states as follows:

(c) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

. . . .

By other than a small entity --- \$320.00

Hence, the appellants' Brief on Appeal is deficient \$160 in payment of fees.

In addition, Section 1208 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 1, Feb. 2003) states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held. [Emphasis added.]

The Examiner's Answer mailed July 14, 2003 (Paper No. 8) does not comply with the above requirement.

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Accordingly, it is

ORDERED that the application is returned to the
Examiner:

1. for the additional \$160 to be charged to Appellants' Deposit Account 50-0831 as requested in the transmittal form for Paper No. 7 to ensure that they have timely paid the Appeal Brief fee required by 37 CFR § 1.17(c), and for written notification to appellants regarding the action taken;
2. for taking corrective action regarding the appeals conference and for written notification to appellants regarding same; and
4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
DALE SHAW
Program and Resource Administrator
(703) 308-9797

cc: Delphi Technologies, Inc.
Legal Staff, Mail Code: 482-204-450
1450 W. Long Lake
P.O. Box 5052
Troy, MI 48098

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